

**Fores ■ Macko**  
A Professional Law Corporation  
1600 "G" Street, Suite 103  
Modesto, CA 95354  
Telephone: (209) 527-9899

1 **ANTHONY D. JOHNSTON, ESQ., SBN 244282**  
2 **FORES ■ MACKO**

3 A Professional Law Corporation  
4 1600 "G" Street, Suite 103  
5 Modesto, CA 95354  
6 (209) 527-9899  
7 (209) 527-2889 (Facsimile)

8 Attorney for Chapter 7 Trustee  
9 Michael D. McGranahan

10  
11 UNITED STATES BANKRUPTCY COURT  
12 EASTERN DISTRICT OF CALIFORNIA  
13

14 In Re:

Case No. 14-24824

15 JOHN S. NOTMAN and  
16 JEANNETTE M. NOTMAN,

D.C. No. ADJ-7

17 Debtors.

Hearing

Date: November 17, 2015

Time: 9:30 a.m.

Place: 501 I Street, 6<sup>th</sup> Floor  
Courtroom 32  
Sacramento, California

18 **TRUSTEE'S MOTION FOR AUTHORITY TO SELL LLC MEMBERSHIP INTEREST**

19 Michael D. McGranahan, (the "**Trustee**"), in his capacity as Chapter 7 Trustee for the  
20 bankruptcy estate of John S. Notman and Jeannette M. Notman, brings this motion to sell a 50%  
21 membership interest (the "**Membership Interest**") in H and N Homes, LLC, a California limited  
22 liability company, which is property of the bankruptcy estate, pursuant to 11 United States Code  
23 § 363 (b)(1) and Federal Rule of Bankruptcy Procedure 6004 (a), and pursuant to the notice  
24 requirements of Local Rule 9014-1(f)(1), and respectfully represents:

25 1. On May 7, 2014, the Debtors filed a voluntary petition in this Court under  
26 Chapter 7 of Title 11, United States Code. The Trustee was appointed trustee in this case on  
27 May 7, 2014.

28 2. This motion seeks authority to sell property of the estate out of the ordinary

**Fores ■ Macko**  
 A Professional Law Corporation  
 1600 'G' Street, Suite 103  
 Modesto, CA 95354  
 Telephone: (209) 527-9899

1 course of business pursuant to 11 U.S.C. § 363 (b)(1).

2 3. As of the petition date, the Debtors owned a 50% membership interest in H and  
 3 N Homes, LLC, a California Limited Liability Company (the “**Company**”). The sole asset of  
 4 the Company is a bank account with JPMorgan Chase Bank, N.A., Total Business Checking  
 5 Account, Account No. ending in 7272 (the “**Bank Account**”). The balance in the Bank Account  
 6 as of the petition date and current balance is approximately \$5,562.98.

7 4. The Trustee has entered into an agreement, subject to this Court’s approval, with  
 8 John S. Notman and Jeanette M. Notman (the “**Debtors**”), for the sale and purchase of the  
 9 Membership Interest for a price of \$2,781.49, which purchase price is equal to ½ the balance in  
 10 the Bank Account. The Debtors have already paid the purchase price to the Trustee.

11 5. A copy of the ‘Agreement for Purchase and Sale of Membership Interest,’ (the  
 12 “**Purchase Agreement**”) is filed as **EXHIBIT “A”** in support of this motion.

13 6. Authority for this motion to sell an asset of the estate is found in 11 U.S.C. §  
 14 363(b)(1): “The trustee, after notice and a hearing, may use, sell, or lease, other than in the  
 15 ordinary course of business, property of the estate . . . “ Selling the Membership Interest of this  
 16 bankruptcy estate is not a transaction in the ordinary course of business.

17 7. Notice of the proposed sale of the Membership Interest shall be made pursuant to  
 18 Federal Rule of Bankruptcy Procedure 6004(a). Notice is not required under subsection 7A of  
 19 the Clayton Act; thus, the notice of provisions of 11 U.S.C. § 363(b)(2) do not apply. Notice of  
 20 the proposed sale of the Membership Interest shall also be made pursuant to Local Rule 9014-  
 21 1(f)(1).

22 8. The Trustee respectfully requests the court to waive the 14 day stay provision of  
 23 Federal Rule of Bankruptcy Procedure 6004(h) so as to allow the sale of the Membership  
 24 Interest immediately upon entry of an order.

25 WHEREFORE, Michael D. McGranahan, acting in his capacity as trustee, respectfully  
 26 prays for an order of this Court:

27 1. Authorizing the sale of the 50% Membership Interest in H and N Homes, LLC,  
 28 to John S. Notman and Jeannette M. Notman, for the purchase price of \$ \$2,781.49 on the terms

1 outlined in the Purchase Agreement filed concurrently herewith as EXHIBIT "A";

2 2. Authorizing the Trustee to complete the transaction;

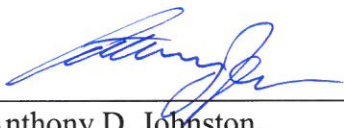
3 3. Authorizing the Trustee to execute all documents which are necessary or  
4 convenient to complete the transaction;

5 4. Waiving the 14 day stay provision of Federal Rule of Bankruptcy Procedure  
6 6004(h) so as to allow the sale of the Membership Interest within five (5) business days upon  
7 entry of an order; and

8 5. That provides such further and other relief as deemed appropriate by the Court.

9  
10 FORES ■ MACKO  
A Professional Law Corporation

11  
12 Dated: October 8, 2015

13 By:   
14 Anthony D. Johnston,  
Attorney for Chapter 7 Trustee,  
Michael D. McGranahan

Fores ■ Macko  
A Professional Law Corporation  
1600 "G" Street, Suite 103  
Modesto, CA 95354  
Telephone: (209) 527-9899